UNITED STATES DISTRICT COURT   Rev. January 2006
SOUTHERN DISTRICT OF NEW YORK
--x
SKEET DUNN,

                                                    CIVIL CASE DISCOVERY PLAN
                                Plaintiff(s),   AND SCHEDULING ORDER

                - against -
                                                    08 Civ. 1846 (CLB) (LMS)

CARL DUBOIS, Sheriff, County of Orange, sued
in his official and individual capacities,

                                Defendant(s).
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This Court requires that this case shall be <u>ready for trial</u> on or after November 28, 2008.

        The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation
with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case (is) (is not) to be tried to a jury.

Joinder of additional parties must be accomplished by _____N/A_____.

Amended pleadings may be filed until _____N/A_____.

Discovery:

1. Interrogatories are to be served by all counsel no later than _____JUNE 9, 2008_____, and
responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of
Local Civil Rule 33.3 (shall) (shall not) apply to this case.

2. First request for production of documents, if any, to be served no later than _____July 9, 2008_____

3. Depositions to be completed by _____Sept 9, 2008_____.

        a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held
            until all parties have responded to any first requests for production of documents.
        b. Depositions shall proceed concurrently.
        c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party
            depositions shall follow party depositions.
        d. If the defense of qualified immunity from suit as a matter of law has been or will
            be asserted by any defendant(s) with respect to any claim(s) in the case, counsel
            for any such defendant(s) shall, within thirty (30) days of this order depose
            plaintiff(s) at least concerning all facts relevant to the issue of qualified immunity.
            Within thirty (30) days thereafter defendant(s) shall serve consistent with Local

Rule 6.1 and file a motion under Rule 12(c) or Rule 56, returnable on a date posted in the New York Law Journal by Judge Brieant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion. **Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to trial.**

4.   Any further interrogatories, including expert interrogatories, to be served no later than _October 1, 2008_.

5.   Requests to Admit, if any to be served no later than _October 1, 2008_.

6.   Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.

7.   All discovery is to be complete by _November 15, 2008_.

Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and must be returnable before the Court on a published motion day, no later than three weeks before the ready for trial date.

Next Case Management Conference _~~Nov 28, 2008 9:00~~ Dec. 5, 2008 9:00 AM._
(This date will be set by the Court at the first conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Lisa Margaret Smith, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

SO ORDERED.

Dated: White Plains, New York
May 9, 2008

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Charles L. Brieant, U.S.D.J.